



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,416	05/31/2001	Stephen A. Hall	LCI-010-1	7499
27833 7590 10/23/2007 TECHNOLOGY, PATENTS AND LICENSING, INC. 2003 South EASTON ROAD SUITE 208 DOYLESTOWN, PA 18901			EXAMINER TARAE, CATHERINE MICHELLE	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 10/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/867,416	Applicant(s) HALL ET AL.	
	Examiner C. Michelle Tarae	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 5-38 and 42-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on May 3, 2006.

Claims 1-4 and 39-41 have been elected without traverse.

Claims 5-38 and 42-62 have been withdrawn from further consideration.

Election/Restrictions

2. Claims 5-38 and 42-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 3, 2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheldon et al. (U.S. 5,765,143).

As per claim 1, Sheldon et al. discloses a method for distributing data among competitive dealers, comprising:

selecting the data from the dealers, processing the data and providing the processed data to the dealers while maintaining confidentiality of individual data of each dealer (col. 3, lines 12-20; col. 4, lines 22-24; Reference data from vehicle vendors is collected, processed and distributed over a network.).

As per claim 2, Sheldon et al. discloses a method of claim 1, wherein the selecting of the data further comprises collecting data indicating which vehicles are in demand (col. 3, lines 47-67; col. 12, lines 41-48; The reference data is used to generate forecast, or demand, data of the vehicles.).

As per claim 3, Sheldon et al. discloses a method of claim 2, wherein the data includes at least one of a number of a vehicle's make a dealer has in stock, a vehicle identification number, a vehicle's year, a vehicle's make, a vehicle's model, a vehicle's body style, a vehicle's exterior color, a vehicle's interior color, a vehicle's mileage, a vehicle's retail asking price, a vehicle's transactions cost, a vehicle's reconditioning cost, a vehicle's age, a vehicle's selling price, a vehicle's gross profit, an acquisition need of a vehicle, a selling need of a vehicle, a vehicle's image, a vehicle's turnover rate, or an aggregate of any of the above-listed data (col. 6, lines 6-11; col. 11, lines 6-8; col. 13, lines 63-65; The reference data includes vehicle sales data.).

As per claim 4, Sheldon et al. discloses a method of claim 1, wherein the distributed data provide optimization on return on investments to the dealers (col. 12, lines 48-51; Demand forecasting provides recommendations to optimize a vendor's ROI.).

Claims 39-41 recite limitations already rejected above. Therefore, claims 39-41 are rejected on the same basis as claims 1-4, above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hanzek (U.S. 6,980,963) discusses an online system for tracking customer orders having specific configurations; and
- Ukai et al. (U.S. 6,711,495) discusses a method and apparatus for gathering vehicle information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 09/867,416

Page 5

Art Unit: 3623

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "C. Michelle Tarae". The signature is written in a cursive, flowing style.

C. MICHELLE TARAE
PRIMARY EXAMINER

October 17, 2007